

Notice of Allowability

Application No.

10/771,498

Examiner

Mirellys Jagan

Applicant(s)

TSUKAMOTO ET AL.

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 05 February 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>2/5/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Murat Ozgu on February 24, 2005.

3. The application has been amended as follows:

In claim 2:

- i. --or equal to-- has been added after "less than" in line 3.
- ii. "a magnitude of" has been deleted from line 3.
- iii. "greater" has been replaced with --less-- in line 4.

In claim 5:

- i. --or equal to-- has been added after "less than" in line 3.
- ii. "a magnitude of" has been deleted from lines 3-4.
- iii. "less than" has been replaced with --greater than or equal to-- in line 4.

In claim 9:

- i. --or equal to-- has been added after "less than" in line 4.
- ii. "a magnitude of" has been deleted from line 4.

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- iii. “greater” has been replaced with --less-- in line 5.

In claim 12:

- i. --or equal to-- has been added after “less than” in line 4.
- ii. “a magnitude of” has been deleted from lines 4-5.
- iii. “less than” has been replaced with --greater than or equal to-- in line 5.

In claim 16:

- i. --a-- has been added after “comprises” in line 2.
- ii. --or equal to-- has been added after “less than” in line 3.
- iii. “a magnitude of” has been deleted from line 4.
- iv. “greater” has been replaced with --less-- in line 4.

In claim 18:

- i. --a-- has been added after “comprises” in line 2.

In claim 19:

- i. --a-- has been added after “comprises” in line 2.
- ii. --or equal to-- has been added after “less than” in line 4.
- iii. “a magnitude of” has been deleted from line 4.
- iv. “less than” has been replaced with --greater than or equal to-- in line 5.

In claim 20:

- i. --a-- has been added after “comprising” in line 1.

In claim 21:

- i. --a-- has been added after “comprises” in line 2.

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4. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose or suggest the following in combination with the remaining limitations of the claims:

A failure diagnosing apparatus comprising determining means for determining whether a first sensor for detecting a temperature of cooling water of an engine is faulty based on the first difference and the second difference (see claim 1).

A method for diagnosing failure of a first sensor that detects a temperature of cooling water of an engine, the method comprising the step of determining whether the first sensor is faulty based on the first difference and the second difference (see claim 8).

A computer program stored on a computer readable medium for use in diagnosing a failure of a first sensor that detects a temperature of cooling water of an engine, the program comprising a program code for determining whether the first sensor is faulty based on the first difference and the second difference (see claim 15).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mirellys Jagan whose telephone number is 571-272-2247. The examiner can normally be reached on Monday-Friday from 11AM to 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GAIL VERBITSKY
PRIMARY EXAMINER

MJ
February 24, 2005